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February 14, 1994

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FEB 14 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Re: PP Docket No. 93-253
Ex Parte Meeting of February 14, 1994

Dear Mr. Caton:

Filed herewith in duplicate is a letter to summarize the subject of our ex parte meeting with Karen Brinkman of the Chairman's staff today, pursuant to Rule Section 1.1206, on behalf of Rocky Mountain Telecommunications Association and Western Rural Telephone Association (collectively, "the Western Alliance").

The Western Alliance has participated in PP Docket No. 93-253 and other rulemakings relating to personal communications services (PCS); and in response to comments filed by other members of the rural telephone industry, the Western Alliance would like to offer the following suggestions on resolving issues of critical importance to rural America and the telephone companies that are currently dedicated to providing service to these high-cost portions of the country. Some of these suggestions vary somewhat from the Western Alliance's November 10, 1993 Comments in PP Docket No. 93-253. These variations reflect the Alliance's desire to offer the Commission a common ground on which it can resolve these important issues.

I. Definition of Rural Telephone Company

For purposes of determining whether a telephone carrier qualifies as a "rural telephone company" in an auction, the Commission should adopt the following definition:

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A rural telephone company is a local exchange carrier that

(a) provides local exchange service to a local exchange study area that does not include either --

(1) any incorporated place of 10,000 or more, or any part thereof; or

(2) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993; or

(b) provides telephone exchange service, including access service subject to Part 69, to less than 50,000 access lines.

Even this relaxed definition will restrict "rural telephone companies" to small carriers that will have a difficult time competing with the likely players in the PCS auction process. The Commission's currently proposed definition would unnecessarily restrict rural telco participation, contrary to Congress' clear intent.

II. The Cellular Restriction Should Not Apply to Rural Telephone Companies

Aside from the general challenges to the cellular ownership restriction filed by numerous parties in General Docket No. 90-314, the Commission should adopt the rural telephone industry's proposal in PP Docket No. 93-253 that the cellular ownership restriction should not be applied to rural telephone companies. Applying this restriction will effectively undo Congress' mandate to ensure rural telco participation in PCS. A majority of rural telcos have cellular interests, although most are not in a position to control the actions of the cellular licensee.

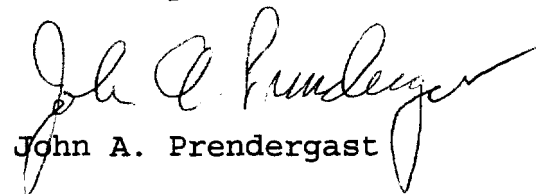
III. The Commission Should Allow Partitioning by Rural Telcos

The Commission should adopt proposals in the record for allowing both voluntary and involuntary "partitioning" of rural service areas by qualified rural telephone carriers, whether this is done when defining the rights of "rural telephone companies" in PP Docket No. 93-253, or in response to petitions for reconsideration in General Docket No. 90-314. Voluntary partitioning would allow an auction winner to have the Commission separately license a rural telephone company to serve that portion of the PCS service area that included the telephone carriers' rural subscribers. This should benefit the auction winner by reducing its build-out requirement and lowering its construction costs. At the same time, this mechanism would help speed service to rural areas, as mandated by Congress. However, in the event that a voluntary arrangement cannot be reached with the licensee, rural

telephone companies should be allowed to involuntarily partition their certificated rural service area, to ensure service to these customers. Otherwise, it is likely that the overall licensee will meet its build-out requirement by serving only the population centers within the licensed BTA or MTA. Attached hereto is information about just a few examples where the 90 percent coverage requirement can be met by serving only the population center within the PCS service area.

We hope that the input of the Western Alliance on these issues will assist the Commission in resolving the minor variations among members of the rural telephone industry on how best to fulfill Congress' mandate of preserving universal service and ensuring rural participation in emerging technologies such as PCS.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Prendergast", with a long, sweeping horizontal stroke extending to the right.

John A. Prendergast

cc: Reed Hundt, Chairman
Karen Brinkman, Attorney Advisor

El Paso, Texas BTA

Counties

El Paso, Texas
Otero, New Mexico
Hudspeth, Texas
Culberson, Texas

Population

591,610	91.04%
51,928	7.99%
2,915	0.45%
3,407	0.52%
649,860	

Land Area

1,014	6.33%
6,626	41.36%
4,566	28.50%
3,815	23.81%
16,021	

The City of El Paso, Texas has a Population of 515,342 (79.30%)

Las Vegas, Nevada BTA

Counties

Clark, Nevada
Mohave, Arizona
Nye, Nevada
Lincoln, Nevada
Esmeralda, Nevada

Population

741,459	86.43%
93,497	10.90%
17,781	2.07%
3,775	0.44%
1,344	0.16%
857,856	

Land Area

7,881	14.72%
13,285	24.81%
18,155	33.91%
10,635	19.86%
3,587	6.70%
53,543	

The City of Las Vegas, Nevada is located in Clark County

Salt Lake City, Utah BTA

Counties

Salt Lake, Utah
Davis, Utah
Weber, Utah
Box Elder, Utah
Tooele, Utah
Unitah, Utah
Carbon, Utah
Uinta, Wyoming
Sanpete, Utah
Summit, Utah
Sevier, Utah
Duchesne, Utah
Millard, Utah
Emery, Utah
Wasatch, Utah
White Pine, Nevada
Morgan, Utah
Wayne, Utah
Piute, Utah
Rich, Utah

725,956	55.50%
187,941	14.37%
158,330	12.10%
36,485	2.79%
26,601	2.03%
22,211	1.70%
20,228	1.55%
18,705	1.43%
16,259	1.24%
15,518	1.19%
15,431	1.18%
12,645	0.97%
11,333	0.87%
10,332	0.79%
10,089	0.77%
9,264	0.71%
5,528	0.42%
2,177	0.17%
1,277	0.10%
1,725	0.13%
1,308,035	

84.76%

The Salt Lake/Ogden corridor is within Salt Lake, Davis, Weber & Box Elder Counties